

CHAPTER NO. 916

HOUSE BILL NO. 3165

By Representatives McMillan, Buck, Scroggs, Jackson, McDonald, Newton, Haley, Pleasant, Hargett, Stamps, Langster, Givens, Godsey, Mumpower, Hargrove, Maddox, Fitzhugh, Kent, Ralph Cole, Beavers, Goins, Phelan, Ronnie Cole, Rinks, McKee

Substituted for: Senate Bill No. 2943

By Senators Burks, Graves, Kurita, Davis, Harper, Williams, Springer

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, relative to criminal sentencing.

WHEREAS, recent cases have called into question whether victim impact evidence is admissible in capital sentencing hearings and whereas it has always been the intent and belief of the General Assembly that such evidence is extremely relevant to the jury's sentencing decision, it is the intent of the General Assembly in passing this act to clarify that such evidence is admissible under this statute; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-204(c), is amended by adding the following at the end of the subsection:

"The court may permit a member or members, or a representative or representatives of the victim's family to testify at the sentencing hearing about the victim and about the impact of the murder on the family of the victim and other relevant persons. Such evidence may be considered by the jury in determining which sentence to impose. The court shall permit members or representatives of the victim's family to attend the trial and those persons shall not be excluded because the person or persons shall testify during the sentencing proceeding as to the impact of the offense.

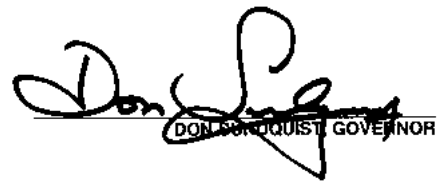
SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

PASSED: April 22, 1998


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of May 1998


DON SUNDQUIST, GOVERNOR